

Hamlin Town Board Meeting
July 9, 2007

The regular scheduled meeting of the Hamlin Town Board was held in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York 14464. Supervisor Roach called the meeting to order at 7 pm and explained the location of the fire exits and defibrillator. Everyone participated in the Pledge of Allegiance and a Moment of Silence for all the deceased residents of Hamlin.

Present: Supervisor Dennis Roach, Councilperson Michael Marchetti, Councilperson Paul Rath, Councilperson David Rose, and Councilperson George Todd

Also present: Highway Sup. Tom Ingraham, Assessor Melanie Fahmer, Code Enforcement Officer B. J. Maier, Attorney Ken Licht, Conservation Bd. Members Tom Breslawski, Mark Reeves and Aaron LaFaro, Planning Bd. Member Tom Jensen, Recreation Commissioner Stan Lyons, Residents Lloyd Lochner, Paul and Dorothy Lapinski, David Lukas, Cindy Roach, Fred Paye, Art MacFarland, Nancy Jennejahn, Renee Cliff, and Irene Frediani

RESOLUTION OF APPRECIATION-ENDOWMENT TO NORTH STAR HISTORY CENTER

Supervisor Roach introduced the following Resolution of Appreciation:

RESOLUTION OF APPRECIATION

WHEREAS, A Walworth, New York, resident has over the period of many years utilized the resources of the Town of Hamlin Historian and has shared his genealogical history with the Historian and,
WHEREAS, This kindly gentleman has demonstrated great generosity by establishing an endowment to expand and enhance the local history and genealogy collections at the North Star History Center,
THEREFORE BE IT RESOLVED, that the Hamlin Town Board, on behalf of the North Star History Center and the residents of Hamlin, extends its appreciation to him for his benevolence and thoughtfulness,
FURTHER BE IT RESOLVED, that this magnanimous benefactor, who shall remain anonymous to protect his privacy, be furnished a copy of this Resolution, which is spread upon the minutes of the July 9, 2007, Town Board meeting.

Unanimously approved,

Councilperson Michael Marchetti
Councilperson Paul Rath
Councilperson David Rose
Councilperson George Todd
Supervisor Dennis Roach

RESOLUTION OF APPRECIATION FOR SPECIALIST FIRST CLASS JAMES REICHERT

Supervisor Roach introduced the following Resolution of Appreciation:

RESOLUTION OF APPRECIATION

WHEREAS, James C. Reichert, a Hamlin resident and Hilton High School teacher, is honorably serving his country as a Specialist First Class, United States Army and,

WHEREAS, James C. Reichert bravely and dedicatedly served a combat tour in Iraq from February 28, 2006 through May 27 2007 as a Team Sergeant with a Civil Affairs unit demonstrating a high degree of leadership and courage under fire and,

WHEREAS, James C. Reichert’s professionalism and bravery were recognized by the Department of the Army through various personal awards including the Bronze Star Medal, the Army Commendation Medal, the Iraq Campaign Medal and the Combat Action Badge and,

WHEREAS, James C. Reichert brought a great deal of pride to his family and the Town of Hamlin through his brave and selfless performance of demanding duties in extremely arduous circumstances,

THEREFORE BE IT RESOLVED, that the Hamlin Town Board, on behalf of the residents of Hamlin, extends its most sincere appreciation to James C. Reichert for his brave and dedicated service in support of his Country as a soldier in the United States Army during his combat tour in Iraq. Welcome Home! Well Done!

FURTHER BE IT RESOLVED, that James C. Reichert be furnished a copy of this Resolution, which is spread upon the minutes of the July 9, 2007, Town Board meeting.

Unanimously approved,

Councilperson Michael Marchetti
 Councilperson Paul Rath
 Councilperson David Rose
 Councilperson George Todd
 Supervisor Dennis Roach

PUBLIC FORUM

Janet Surridge introduced her husband and brother who all have recently acquired property at 2264 Monroe Orleans County Line Rd. containing 115 acres. The intentions for our use of this property, is to raise enough pheasants to operate a game and shooting preserve. We are requesting changes to 125-18 the Zoning Codes, which came about after our presentation before the Planning Board, to include shooting preserves as a permitted use with a Site Plan approval. This was an alternative recommended to them. Supervisor Roach explained the process needed to amend the zoning code. The board discussed the DEC regulations and licensing process. Also discussed was the keeping of animals under Section 125-50. and the ten-acre requirement. Supervisor Roach asked if this was in an Ag District. It was not known. Councilperson Rose stated he had no problem scheduling a public hearing on this request. Councilperson Rose asked if the DEC checks the permit for the property? He was told they are suppose to. Our season is September to August 1st.

Paul Lapinski of 417 Redman Rd. stated he has copies of two DVDs that he had the opportunity to show at the last Wind Tower Committee meeting and presented them to some of the Town Board members. The DVDs deal with flicker, noise and health problems along with other issues related to wind turbines. Since no town Board members attended that meeting I encourage each of you to watch them and share them with other Boards in our town. Personally he finds it very disturbing that our Town Board members and Supervisor chose not to attend these meetings. You are the people who will make the final decision whether wind towers are or are not allowed in our town, yet by your lack of presence at these informative meetings you miss the benefits of discussion by Wind Tower Committee members and concerned citizens, not to mention audio and visual presentation. This is probably the biggest issue that our town will face. I encourage each of you to gather all the information available, which includes attending Wind Tower Committee meetings so when the time comes to make your decision due diligence will prevail.

Councilperson Rath was denied the copies of the DVDs from Mr. Lapinski as Councilperson Rath has entered a contract with the company who presently has a MET Tower in Hamlin. Councilperson Rath stated he tried to join the Hamlin Preservation Group and was denied. Public Forum was closed.

Supervisor Roach noted the presence this evening of returning Marine from Iraq Brian Henner. Brian shared some of his experience with the board.

PRESENTATION OF THE CONSERVATION BOARD

In keeping with continued communications and updates the first support board presentation is from the Conservation Bd.

Chairperson David Walch presented the list of members who are on the board, their length of service and training hours they have participated in. The 2006-2007 Board accomplishments were outlined as well as the primary goal, which includes successfully applying the policies contained within the LWRP. Some of the recommendations of the board are to investigate linking the lake front residents with public sanitary sewer system by seeking both State and Federal grants. Also they would like to continue to be diligent in protecting wetlands within the town and strive for a user-friendly approach with customers and residents that come in front of the board seeking help. The board would like to continue funding that will help with their education training, funds to continue the tree giveaway and perhaps additional funding for public awareness through a Conservation fair.

APPROVAL OF JUNE 11, 2007 TOWN BOARD MINUTES

Resolution #180 A motion was made by Councilperson Rose, seconded by Councilperson Rath to approve the minutes of June 11, 2007 Town Board meeting as presented. Members polled: Councilperson Marchetti aye, Councilperson Rath aye,

Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

APPROVAL OF PUBLIC HEARING HELD ON JUNE 11, 2007

Resolution #181 A motion was made by Councilperson Todd, seconded by Councilperson Rose to approve the minutes of the public hearing held on June 11, 2007 as presented. Members polled: Councilperson Marchetti abstain, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

APPROVAL OF MINUTES OF HAMLIN-KENDALL JOINT WATER DISTRICT MEETING MINUTES OF JUNE 12, 2007

Resolution #182 A motion was made by Councilperson Marchetti seconded by Councilperson Rose to approve the minutes of the Hamlin-Kendall Joint Water District Meeting Minutes of June 12, 2007 as presented. Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd abstain and Supervisor Roach aye. Motion carried.

AUTHORIZATION OF PAYMENT OF BILLS FROM THEIR RESPECTIVE FUNDS

Resolution #183 A motion was made by Supervisor Roach with the addition of a voucher in the amount of \$487.50 for Consolidated Water for 50% of the appraisal cost for the Hamlin Water Bldg. with a second by Councilperson Todd to approve the authorization of payment of bills from their respective funds as presented:

MONTHLY TOTALS			ABSTRACT	7
<u>ACCOUNTS</u>	<u>VOUCHER#</u>	<u>AMOUNT</u>	<u>ACCOUNT TOTALS</u>	
General	793-794	1604.74		
	798-803	6493.04		
	809-810	857.23		
	815-817	1395.24		
	848-932	48796.55		
			\$ 59,146.80	

Library	804	505.08
	811	44.77
	933-947	5098.70

			\$ 5,648.55
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Highway			
	819	43.40	
	824-847	25806.21	
			\$ 25,849.61
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Sewer			
	805	111.52	
	818	43.46	
	821-823	250.86	
			\$ 405.84
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Consolidated	3		\$ 487.50-
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Huntington Park			\$ -
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Trust			
	796-797	1785.04	
	806-808	1905.76	
	812-814	21547.39	
	820	1714.51	
			\$ 26,952.70
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Light			
	795	1011.07	
			\$ 1,011.07
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Hamlin Walker			\$ -
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Wiler Rd.#2			\$ -
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GRAND TOTAL:			\$ 119,502.07

Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried.

AUTHORIZATION OF TRANSFERS FROM THEIR RESPECTIVE FUNDS

Resolution #184 A motion was made by Supervisor Roach, seconded by Councilperson Todd to authorize the following transfer from their respective funds:

<u>FROM ACCOUNT</u>	<u>TO ACCOUNT</u>	<u>AMOUNT</u>
A3510.2 Dog Control Equipment	A3510.4 Dog Control Expense	\$287.93

Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried.

Supervisor's month report acknowledged and filed.

CORRESPONDENCE

- a. A copy of JP Schepp's report on the Roosevelt Hgwy. Water District.
- b. A copy of JP Schepp's report on Fawn Meadow Dr. drainage.
- c. A copy of a letter from James Tedisco, Assembly Minority Leader RE: NYS Property Taxpayer Protection Act.
- d. A copy of a letter from Supervisor Roach RE: Town Board Presentation.
- e. A copy of a letter from S. Brown RE: Share Municipal Services Incentive Grant Program.
- f. A copy of a letter from Supervisor Roach RE: Special Town Board Mtg.
- g. A copy of Recreation Commission Mtg. of 6-12-07.
- h. A copy of a letter from Senator Schumer RE: the Clean Renewable Energy Bond Program.
- i. A copy of e-mail from Supervisor Roach RE: Court Records Audit.
- j. A copy of e-mail from Ed Evans RE: The wind committee.
- k. A copy of the Walker Fire District minutes of 6-5-07.
- l. A copy of the State Ag. & Markets proposals for Farmland Protection projects.
- m. A copy of Mark Porter's resignation from Recreation Commission.
- n. A copy of a letter from attorney Licht sending the Local Law #8-2007 to the State.
- o. A copy of a letter from Tim Warner Cable RE: Channels they are adding.
- p. A copy of the Assessor's report for the month of June 2007.
- q. A copy of a Metro Magazine.
- r. A copy of US Dept. of the Interior, Fish and Wildlife Services letter RE: Their role in wind energy development.
- s. A copy of "New York's Electricity Outlook – Summer 2007" fact sheet.
- t. A copy of Genesee/Finger Lakes Regional Review.
- u. Building Inspectors monthly report for June 2007.
- v. A copy of a letter from Mark Reeves RE: Wind Tower Minutes.
- w. A copy of a letter from Monroe County Dept. of Environmental Services thanking us for our cooperation for the Hazardous Waste Collection.
- x. A copy of a letter from Melanie Fahmer, Assessor asking for reappointment.

- y. A copy of the DCO's monthly report for June 2007.
- z. A copy of the reporting form for the Appointed Assessor.
- aa. A copy of a resolution supporting non-attorney judges.
- bb. A copy of the Library Board of Trustees minutes of 6-6-07.
- cc. A copy of proposed revision to Section 125-50 from Bill & Janet Surridge and Fred Paye.
- dd. A copy of comments made by Paul Lapinski at the 7-09-07 Town Bd. Mtg.

**PRESENTATION FOR REZONING OF PROPERTY BY DON CARPENTER,
DDS ENGINEERS**

Mr. Carpenter was present to request the rezoning of 81.8 acres on the southeast corner of Walker Lake Ontario Rd. and Brick Schoolhouse Rd. from R-VL to RL-1. The property is in keeping with the updated Comprehensive Plan and would be developed with public utilities. An application along with the long EAF and map was presented to the board.

Supervisor Roach stated he would entertain a motion for scheduling a public hearing for rezoning of R-VL to RL-1 with a contingency of proof of ownership and check for \$300.00. At this time Supervisor Roach explained that several public hearings need to be scheduled.

**PUBLIC HEARING SCHEDULED FOR ROOSEVELT HWY. WATER
DISTRICT**

WHEREAS, a written petition dated June 12, 2007 in due form and containing the required signatures, has been presented to and filed with the Town Board of the Town of Hamlin, Monroe County, New York, for the creation of a Water District in the Town of Hamlin, Monroe County, New York, to be known as the Roosevelt Highway Water District No. 2, to be bounded and described as follows:

BEGINNING at a point, said point being the intersection of the southerly projection of the westerly property line of tax account number 029.02-1-7.1, and centerline of Hamlin Clarkson Town Line Road, having a right of way width of 49.5 feet; thence

(1) Northerly, 421 feet more or less, along the westerly property line of Tax Account No. 29.02-1-7.1 to a point, said point being the northeasterly corner of Tax Account No. 29.02-1-8 and corner of the Tax Account No. 29.02-1-7.1; thence

(2) Westerly, 250 feet more or less, along southerly property line of Tax Account No. 29.02-1-7.1 to a point, said point being an easterly boundary line of the "Consolidated Water District", and also being southwest corner of Tax Account No. 29.02-1-7.1; thence

(3) Northerly, 957 feet more or less, along the westerly property lines of Tax Account No. 29.02-1-7.1, 29.02-1-6, 29.02-1-5, and 29.02-1-4 and also along the boundary line of the "Consolidated Water District" to a point, said point being the southerly corner of Tax Account No. 29.02-1-3; thence

(4) Northwesterly, 392 feet more or less, along the southwest property line of Tax Account No. 29.02-1-3 and also along the boundary line of the "Consolidated

Water District” to a point, said point being the westerly corner of Tax Account No. 29.02-1-3 and easterly corner of the boundary line of the “Consolidated Water District” and on Huntington Parkway right of way, with a width of 49.5 feet; thence

(5) Northeasterly, 229 feet more or less, along the northwesterly property line of Tax Account No. 29.02-1-3 and also along the Huntington Parkway right of way and also along the boundary line of the “Consolidated Water District” to a point, said point being the northerly corner of Tax Account No. 29.02-1-3 and on Roosevelt Highway (NYS Rte. 18) right of way, with a width of 66 feet; thence

(6) Northwesterly, 68 feet more or less, along the Roosevelt Highway right of way and along the easterly boundary line of the “Consolidated Water District” to a point, said point being easterly property line of Tax Account No. 29.02-1-2 and easterly corner of the boundary line of the “Consolidated Water District”; thence

(7) Southwesterly, 247 feet more or less, along the southeasterly property line of Tax Account No. 29.02-1-2 to a point, said point being the southerly corner of Tax Account No. 29.02-1-2; thence

(8) Northwesterly, 366 feet more or less, along the southwesterly property line of Tax Account No. 29.02-1-2 to a point, said point being the westerly corner of Tax Account No. 29.02-1-2 and southerly property line of Tax Account No. 29.02-1-1.12; thence

(9) Northeasterly, 285 feet more or less, along the southwesterly property line of Tax Account No. 29.02-1-1.112 to a point, said point being the easterly corner of Tax Account No. 29.02-1-1.112 and on Roosevelt Highway right of way; thence

(10) Northwesterly, 202 feet more or less, along the Roosevelt Highway right of way to a point, said point being a southeasterly corner of Tax Account No. 29.02-1-1.111; thence

(11) Westerly, 1,096 feet more or less, along the southerly property line of Tax Account No. 29.02-1-1.111 to a point, said point being the northwesterly corner of property Tax Account No. 29.02-1-1.12; thence

(12) Southerly, 231 feet more or less, along the westerly property line of the Tax Account No. 29.02-1-1.12 to a point, said point being the southwesterly corner of Tax Account No. 29.02-1-1.12, southeasterly corner of Tax Account No. 29.02-1-1.116 and the boundary line of the “Consolidated Water District”; thence

(13) Westerly, 1,238 feet more or less, along the southerly property line of Tax Account No. 29.02-1-1.116 and along the northerly boundary line of the “Consolidated Water District” to a point, said point being the northwesterly corner of property Tax Account No. 21.03-3-8.1 and easterly corner of the boundary line of the “Consolidated Water District”; thence

(14) Northerly, 1,444 feet more or less, along the easterly boundary line of the “Consolidated Water District” to a point, said point being 500 feet southerly of the centerline of Roosevelt Highway; thence

(15) Easterly, 1,362 feet more or less, along a line parallel to and 500 feet southerly of the center line of Hamlin Center Road and along the southerly boundary of the “Consolidated Water District” and also through property of Tax Account No. 21.03-3-8.1 to a point, said point being the centerline of Roosevelt Highway; thence

(16) Southeasterly, 226 feet more or less, along the centerline of Roosevelt Highway to a point, said point being the intersection of the westerly projection of the

northerly property line of Tax Account No. 21.04-2-15.1; thence

(17) Easterly, 651 feet more or less, along the northerly property line of Tax Account No. 21.04-2-15.1 to a point, said point being northeasterly 500 feet parallel to the centerline of Roosevelt Highway; thence

(18) Southeasterly, 2,468 feet more or less, along a line parallel to and 500 feet northeasterly of the centerline of Roosevelt Highway and also through properties of Tax Account No. 21.04-2-15.1, 21.04-2-15.2, 29.02-1-1.2 and 29.02-2-28.2 to a point, said point being the intersection of a southeasterly property line of Tax Account No. 29.02-2-28.2, also being along a northwesterly property line of Tax Account No. 29.02-2-28.1, and also being a boundary line of "Guion Water District"; thence

(19) Southwesterly, 143 feet more or less, along the southeasterly property line of Tax Account No. 29.02-2-28.2 to an angle point; thence

(20) Southwesterly, 303 feet more or less, along a southeasterly property line of Tax Account No. 29.02-2-28.2 to a point, said point being the northerly corner of Roosevelt Highway right of way; thence

(21) Southwesterly, 95 feet more or less, along a southeasterly property line of Tax Account No. 29.02-2-28.2 and also along Roosevelt Highway right of way to a point, said point being centerline of Roosevelt Highway and westerly corner of boundary line of "Guion Water District"; thence

(22) Southeasterly, 2,138 feet more or less, along centerline of Roosevelt Highway to a point, said point being centerline intersection of Roosevelt Highway and Hamlin Clarkson Town Line Road; thence

(23) Westerly, 2,059 feet more or less, along the centerline of Hamlin Clarkson Town Line Road to a point, said point being the point of beginning.

WHEREAS, the maximum amount proposed to be expended for the improvements is \$237,535.75, of which the Monroe County Water Authority is contributing the sum of \$122,829.40, leaving a balance to be paid by the District of \$114,706.35.

WHEREAS, the estimated cost to a typical single family residence during the first year will be \$800.00 for hook-up fees, \$100.00 for internal plumbing changes, \$503.00 for repayment of bonding, \$43.80 for the annual meter fee, \$210.00 for the initial meter fee and \$200.00 for purchase of water (estimated at 80,000 gallons per year at an estimated cost of \$2.50 per 1000 gallons); and

WHEREAS, the estimated average cost to a typical single family residence after the first year will be \$503.00 per year for repayment of long term bonding for thirty years plus \$43.80 for an annual meter fee plus average water charges of \$200.00 per year, for a total cost per household of \$746.80 per year; and

NOW, on motion of Councilperson Marchetti seconded by Councilperson Rose, it is

ORDERED that a meeting of the Town Board of said Town of Hamlin, Monroe County, New York, shall be held at the Town Hall, 1658 Lake Road in said Town, on the 31st day of July, 2007 at 6 p.m., to consider said petition and to hear all persons interested in the subject thereof and for such other action on the part of said Town Board with relation to the said petition as may be required by law or proper in the premises; and it is further

ORDERED that the Town Clerk give notice of such hearing by publishing in the Hamlin Clarkson Herald, a newspaper circulating in the Town, and by posting a certified copy of this resolution on the signboard of the Town of Hamlin maintained in the Town Hall at the Town Clerk's office. Such publication and posting shall be not less than ten (10) nor more than twenty (20) days before the date designated for the hearing aforesaid; and it is further

ORDERED, that in accordance with Section 206-a(1) of the Town Law, the expenses of the district, including all extensions hereafter established, shall be a charge against the entire area of the district as extended.

Resolution #185 A motion was made by Councilperson Marchetti, seconded by Councilperson Rose to schedule a public hearing for July 31st, 2007 at 6:00 pm for the creation of the Roosevelt Highway Water District. Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

PUBLIC HEARING SCHEDULED FOR AMENDING 125-18 AND 125-50 BY LOCAL LAW

Resolution #186 A motion was made by Councilperson Rose, seconded by Councilperson Marchetti to schedule a public hearing to be held on July 31st, 2007 at 6:00 pm for amending Chapter 125 of the Town of Hamlin Zoning Codes of 1991, Section 125-18 to allow gun clubs and shooting preserves and 125-50 to consider the amount of poultry. Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

PUBLIC HEARING SCHEDULE FOR AMENDING THE ZONING MAP FOR THE TOWN OF HAMLIN BY REZONING TAX ACCOUNT 022.02-2-20

Resolution #187 A motion was made by Councilperson Marchetti, seconded by Supervisor Roach to schedule a public hearing for July 31st, 2007 at 6:00 pm for the amending of the Town of Hamlin Zoning Map by rezoning Tax Account #022.02-2-20 from R-VL to R-L1. Members polled: Councilperson Marchetti aye, Councilperson Rath abstain, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

PUBLIC HEARING SCHEDULED FOR AMENDING CHAPTER 125-31 BY LOCAL LAW

Supervisor Roach stated he would not be available until after August 9th with Councilperson Rath adding this would also give time for the Conservation Bd. to give their input if scheduled after their meeting.

Resolution #188 A motion was made by Councilperson Marchetti, seconded dually by Councilperson Rath and Councilperson Rose to schedule a public hearing for August

14th, 2007 at 6:00 pm for the repealing by Local Law subparagraphs 125-31C(1) and C(2) and replace with new subparagraphs Dimensional Requirements and Determination of Lot Size, Width, Depth and Setback for Shoreline Residential. Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

REAPPOINTMENT OF MELANIE FAHMER AS THE TOWN OF HAMLIN ASSESSOR

Resolution #189 A motion was made by Councilperson Marchetti, seconded by Supervisor Roach to reappoint Melanie Fahmer as the Town of Hamlin Assessor effective October 1, 2007 and ending September 30, 2013. Her present term expires on September 30, 2007. Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

DISCUSSION

- a. Executing renewal option with Verizon Wireless. Supervisor Roach has provided to the board the background on the Verizon's 5 year contract and that on January 1, 2006 there was an automatic roll-over upon change of administration. Supervisor Roach is requesting authorization to submit a letter to Verizon on the renewal option.

AUTHORIZATION TO SUBMIT LETTER TO VERIZON-WIRELESS

Resolution #190 A motion was made by Councilperson Rose, seconded by Councilperson Marchetti to authorize Supervisor Roach to submit a letter to Verizon Wireless on renewal option. Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye and Supervisor Roach aye. Motion carried.

- b. Audit of local court's records. A recent letter from State of New York Unified Court System notifies us of a requirement that town justices annually provide their court records and dockets to the Town Board for examination and such examination be entered into the Town Board minutes. Paul will be reviewing the financial records and we will look at this at next months meeting. I will advise Unified Courts of the status.
- c. Establishment of the Hamlin Farm's Market. Town Clerk updated the board members that they had the rules and those who have been contacted for the Farmers Market. So far no one has responded. Councilperson Rath stated he talked with Lora Partyka and she goes to Batavia twice a week. She is the Vice Chair and the vendors run the market. Discussion took place on days and times planned with suggestion by Councilperson Todd to give some of the farmers a call as they get busy. Supervisor Roach gave some suggestions and at least we will have the framework in place for the future.

ACCEPTING THE RULES AND REGULATIONS FOR A FARMERS MARKET ON THE TOWN HALL PROPERTY.

Resolution #191 A motion was made by Councilperson Rose, seconded by Councilperson Marchetti to accept the rules and regulations for the establishment of the Hamlin Farmers' Market on Town of Hamlin property. Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried.

Discussion continued:

- d. Town meeting and education opportunity is scheduled in regards to resident sex offender for 6 pm, Thursday, July 19, 2007 at St. John Church. A level three offender is living at 42 Highview. There was concerns raised by the residents, therefore the meeting was scheduled. Notification that was sent today on the meeting was read.
- e. Supervisor Roach stated he would like to skip over to go to item f at this time.
- f. Consideration of a Monroe County Magistrates Association resolution supporting non-attorney judges. Both Judge Rath and Judge Moffett are in favor of this. There is a movement in the state and this could affect the smaller towns were there is no attorneys residing in the towns.

SUPPORT OF NON-ATTORNEY TOWN JUSTICES

Resolution #192 A motion was made by Councilperson Rose, seconded by Councilperson Todd for the following:

WHEREAS, there has recently been negative press coverage by the *New York Times* and some local papers within Monroe County suggesting that the Town court system is flawed and more specifically, alleging that the three hundred (300) year tradition of non-layer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of Hamlin, conveniently located and accessible to our citizens; and

WHEREAS, there are tow Town Judgeships established within the Town of Hamlin; and

WHEREAS, there are presently two non-attorney Town Justices within the Town of Hamlin; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the town of Hamlin handled many hundreds of cases in the past year; and

WHEREAS, the Town Court of Hamlin in the past year collected \$78,315.00 in statutory fines, fees and surcharges on behalf of the State of New York, County of Monroe and the Town of Hamlin, to help fund essential public services; and

WHEREAS, the Town Board of Hamlin recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney or lay justices

within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

Now, therefore be it:

RESOLVED, that the members of the Town Board of Hamlin support the continuation of the three hundred year tradition of non-lawyer or lay justices presiding in Town Courts, and it is further;

RESOLVED, that the members of the Town Board of Hamlin hereby oppose any requirement that Town Justices be Attorneys, and it is further;

RESOLVED, that the members of the Town Board of Hamlin oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of Hamlin provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens.

Members polled: Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried.

Discussion continued:

- e. Article X of the Public Service Law RE: Streamlined siting permit procedure for certain power generation facilities. This is subject is on wind towers so I will ask Councilperson Rath to excuse himself from discussion and inform the Chairperson of the Wind Tower Committee to join in the discussion. Supervisor Roach explained Article X part of the Public Service Law, citing permits, which expired in December 31, 2002. Since January 1, 2003, power generation facilities have been sited by local zoning regulations and State DEC review. There is currently a proposal by Gov. Spitzer before Legislators for a new and revised Article X of the Public Service Law that will include siting wind towers. The inclusion of wind towers basically eliminates local zoning codes on control over siting wind towers and would have an impact on local benefits. My biggest concern is the loss of local control on the siting of wind towers. This town and wind tower committee has spent enormous amount of time. I have been on the phone today and the Representatives are being called back to Albany for meetings on this as Gov. Spitzer feels this is one bill that is being held hostage by our Legislators. The State Senators are going back July 16th. Article X is expected to be passed and it is in our best interest to have regulations in effect when it is in passed. The clock is ticking. It is better to have regulations in effect as they will possibly be grand fathered. It is anticipated Article X will be passed in the fall. I tried to get in touch with Attorney Spitzer, no relation to the Governor. I have talked with another Supervisor who has been working with Attorney Spitzer and this question was asked. Attorney Spitzer was confident that towns who have regulations in place would be grand fathered. I wanted to get a feel from Attorney Spitzer if he was given some parameters, how long it would take to get some regulations. That is the answer I am trying to get. It is not a long lead time for him from what I am being told.

I have talked with the Iberdrola group that now owns the land lease agreements. They recently bought out CPV. Therefore they have been involved with that lately. Iberdrola considers Hamlin is a viable area and development is considered good. We are looking at compressed time frame. If we go ahead and hash out with the committee until January we risk losing the opportunity to put in our regulations and suffer at the whim of the State.

Councilperson Rose stated, I agree that the Town Board and Wind Tower Committee should meet to get this implemented as the longer we wait we may lose out. Councilperson Todd stated the Governor is not going away as he has already said he wants a percentage of alternative energy, which includes wind towers. Those members of the wind tower committee present left the room to discuss their options.

REPORTS

Councilperson David Rose reported on the following:

- Planning Board: Concept approval granted for 99 N. Hamlin Rd. Also the Surridges appeared as you all know. Cotsworth's were in for a Special Use Permit for a retreat and that was tabled. Concept grant to cut out five acres of land on East Fork. Hidden Creek Mobile Home Park the discussion on the Community Center was brought up and the possibility of Phase six. Prior approvals had a stipulation that the 8" water main to Roosevelt Hgwy. needed to be put in first. The prior approvals were discussed especially the timing of the approval for the Community Center and whether it was in conjunction with the 8" watermain. Also mentioned was the overhead tension wire.
- Library: No meeting Wednesday.
- Discussion on four wheelers traveling through Hamlin. Supervisor Roach asked the Code Enforcement Officer if it was still a problem in the Huntington Park.

Councilperson Paul Rath reported on the following:

- Conservation Bd. presentation tonight and they are doing a good job.
- Fire Districts minutes are available.
- Working with Patience on the audit of the court.
- Public Forum tonight when the DVD's were distributed: Even though I can't vote or be included in the discussion, but as a resident I should know what is going on good or bad.
- Workmans Comp, they have changed their name so no association can be made with Monroe County. They have just picked up Hilton-Parma and North Greece Fire Dept. Net loss is down.

Assessor Melanie Fahmer reported on the following:

- Latest final roll for 2007. Also getting the school rolls and preparing the final numbers.
- Working on the STAR rebates, Mobile Home Parks, Enhance STAR for Seniors will not have to apply for their rebate checks but basic STAR will. Some new

forms will be coming. Supervisor Roach asked how do you get this information out. The information is suppose to be coming from NYS Taxation and Finance. I don't know when they are going to do that. They will be sending the information out to everyone. The information changes daily. Supervisor Roach asked to be provided the information so he can get it out on the website and at the Library.

- Working on closing out Building Permits. She thanked the board for the re-appointment.

Code Enforcement Office B. J. Maier reported on the following:

- House fire at 2349 Church Rd. and hostage situation at the Trailer Park was mentioned.
- Motorcycles and four wheelers are being clamped down on by the police.
- Westside Building Inspectors at a meeting last week discussed pool alarms. As of last week there are no certified alarms for the blow up pools. We are going to put a notice in the Hamlin Clarkson Hearld that the State code requires a permit, alarm and timer.
- Regarding the Hidden Creek Mobile Home Park: In talking with the fire departments they would like to see a second exit.

Highway Sup. Tom Ingraham reported on the following:

- Busy black topping Drake and Brick Schoolhouse Rd., next is Hamlin Center and Greenleaf.
- Doing some County work in Greece/Mt. Read Blvd.
- Next week would like to start the driveway into the parking area in the park.
- Had two busloads of inmates come in two Saturdays in June to put down mulch.
- Supervisor Roach mentioned having Tom have the security drive past the residence of the sex offender. There is nothing the town can do but it lets the residents know we are out there.

Councilperson Michael Marchetti reported on the following:

- Report on the Hostage situation in Harper Park on July 3rd that closed the park from 4:30 pm to 11 pm.
- Dog Control Officer is doing the census.

Councilperson George Todd reported on the following:

- ATV/Minibikes this problem is more widespread as I have seen them in other parts of town.
- Also mentioned was while I have not attended the Wind Tower Committee meetings, I have had some trips that I have taken that included Weatherfields and a Canadian rendezvous trip planned in August which includes a guided tour of a windmill so I am exposed to other towns and villages.

Supervisor Dennis Roach reported on the following:

- I did receive a call for the Attorney for Morgan Management who stated they have recently purchased the property to the south of Hidden Creek and are planning on modular senior homes. His request would be to the Town Board for

- rezoning R-H. I explained to him that if it were for senior homes the rezoning request to the board should be for R-SC.
- Information on male bears being forced out by the mothers and end up in places that attract them, so you should take away garbage, bird feeders and other items that attract them.

Chairperson of the Wind Tower Committee Linda DeRue reported on the following:

- We are moving forward and making progress in our studies and research of the many topics regarding industrial wind turbines and the impact they could have on our town. Our meetings have included DVDs to help us understand more clearly the issues of noise and flicker. The committee members, after many hours of research, are presenting valuable well-documented, up-to-date reports that support their findings. I am very pleased with the commitment of the members of this committee as we continue to work together on this issue that could impact our town for a generation.

Discussion:

Chairperson Linda DeRue stated that the members present tonight would discuss with other members about additional meetings such as Saturdays. I know it is a busy time but we can work to put the regulations together. Mark Reeves asked what are the board's expectations? A summary or the exact regulations and by what date are you expecting? Supervisor Roach stated his expectations are to discuss this with the Town Board, as we didn't get into it yet. Mark Reeves after discussion in the other room felt we could have something using a template from another town. Supervisor Roach stated I want to go back to the Town Board. Do we take the recommendations and input from the committee and put it together and have workshops. What are the board members' thoughts?

Councilperson Marchetti stated all his conversations with Supervisors indicate Article X may not go through this time but it will go through. The only way to have control is to have some regulations in writing. I suggest we get the information from the wind tower committee

and get to it. Councilperson Todd said July is almost gone and they stated with additional meeting they could have something by the first of September.

Linda DeRue stated the noise and flicker has been the focus. Supervisor Roach agreed that seems to be kind of the show stopper but you have agreed what you have for recommendation on a setback. Councilperson Rose as he previously stated I think the Wind Tower Committee and the Town Board should get together and get something passed. We are going to need to have a public hearing so there is some additional time involved in getting something together. Dave Lukas asked if it is conceivable that if we could present something on a week-to-week basis and get something passed so there is a law there that can later be amended. Supervisor Roach stated as Councilperson Rose mentioned before we pass any law we will need to have a public hearing and items will be hammered and may be pulled out by discussion at the hearing. If we can get the committee's recommendation on the basic concerns we can get that in a proposed law. The Wind Tower Committee is meeting next Tuesday. Supervisor Roach asked if you

could use this as your agenda, come up with what you would like to propose based on what you have now, and we can start hammering out the regulations. Discussion continued with a July 30th, 7:30 pm meeting to be held between the Town Board and Wind Tower Committee scheduled.

ADJOURNMENT

A motion was made by Councilperson Todd, seconded by Councilperson Marchetti to adjourn the meeting as all business has been concluded. Members polled, Councilperson Marchetti aye, Councilperson Rath aye, Councilperson Rose aye, Councilperson Todd aye, and Supervisor Roach aye. Motion carried, meeting adjourned 9:10 pm.

Respectfully,

Kathi A. Rickman, RMC/CMC
Hamlin Town Clerk